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RESIDENTIAL MORTGAGE CAPITAL
dba FIRST SECURITY LOAN CORP. and
JAMES JOHN CHAPMAN

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA**

CARLOS H. PEREZ, individually, and on
behalf of the general public,

Plaintiff,

v.

GMAC MORTGAGE USA
CORPORATION, AKA GMAC
MORTGAGE, LLC, a Delaware
corporation; MORTGAGE ELECTRONIC
REGISTRATION SYSTEMS, INC., a
Delaware corporation; EXECUTIVE
TRUSTEE SERVICES, LLC, a Delaware
limited liability company; GREENPOINT
MORTGAGE FUNDING, INC., a New
York corporation; ANDRUS &
ASSOCIATES, INC., a California
corporation; PAUL RAY ANDRUS,
individually and in his official capacity;
HOMECOMINGS FINANCIAL, LLC, a
Delaware limited liability company;
COUNTRYWIDE HOME LOANS, INC., a
New York corporation; SOUTH PACIFIC
FINANCIAL CORPORATION, a
California corporation; RESIDENTIAL
MORTGAGE CAPITAL DBA FIRST
SECURITY LOAN, a California
corporation; JAMES JOHN CHAPMAN,
individually and in his official capacity;
LUIS G. BARRIOS, individually and in his

Case No.: C08-01972-HRL

**ANSWER AND DEFENSES OF
DEFENDANTS RESIDENTIAL
MORTGAGE CAPITAL DBA FIRST
SECURITY LOAN CORP AND JAMES
JOHN CHAPMAN**

official capacity; ELIZABETH P. CAMPOS, individually and in her official capacity; and DOES 1 through 20, inclusive, Defendants.

Now comes Defendants Residential Mortgage Capital dba First Security Loan Corporation ("RESCAP") and James John Chapman ("CHAPMAN") (collectively referred to herein as "RESCAP DEFENDANTS"), and makes and files their Answer and Defenses to the First Amended Complaint ("Complaint") of Carlos H. Perez (hereinafter "Plaintiff") and shows as follows:

DEFENSES TO THE COMPLAINT AS A WHOLE

FIRST DEFENSE

Plaintiff's Complaint, and each and every count thereof, fails to state a claim against RESCAP DEFENDANTS upon which relief can be granted.

SECOND DEFENSE

Plaintiff's claims are barred by the doctrines of estoppel and/or waiver.

THIRD DEFENSE

Plaintiff's claims are barred by applicable statutes of limitations.

FOURTH DEFENSE

Plaintiff's claims are barred, in whole or in part, by plaintiff's failure to mitigate his alleged damages.

FIFTH DEFENSE

This Court lacks personal jurisdiction over RESCAP DEFENDANTS.

SIXTH DEFENSE

Plaintiff's claims against RESCAP DEFENDANTS are subject to mandatory arbitration and are due to be dismissed on this basis.

SEVENTH DEFENSE

The Complaint, and each and every purported claim for relief set forth therein, is rendered moot by the parties' action or conduct.

EIGHTH DEFENSE

Plaintiff has failed to mitigate his damages.

NINTH DEFENSE

RESCAP DEFENDANTS cannot be held liable to plaintiff because RESCAP DEFENDANTS acted in good faith.

TENTH DEFENSE

RESCAP DEFENDANTS s actions did not constitute willful violations of the Truth in Lending Act, Federal Reserve Board Regulation Z, the Real Estate and Settlement Procedures Act, Federal Reserve Board Regulation X, Elder Abuse and Dependent Adult Civil Protection Act, Cal Welf & Inst. Code §15610 and Cal. Civ. Code §1632.

ELEVENTH DEFENSE

Plaintiff may not simultaneously maintain class and collective actions given the inherent substantial differences between the two forms of action.

TWELFTH DEFENSE

The allegations in the Complaint, and any purported remedy sought therein, are rendered ineffectual because RESCAP DEFENDANTS satisfied their obligations imposed by law.

THIRTEENTH DEFENSE

The Complaint is barred totally or partially by the doctrine of laches.

FOURTEENTH DEFENSE

On information and belief, plaintiff has misrepresented.

FIFTEENTH DEFENSE

Plaintiff has an adequate remedy at law, and is precluded from being granted injunctive relief or any other equitable relief sought in the Complaint.

SIXTEENTH DEFENSE

Plaintiff's reliance on any alleged non-written representations relative to any transactions that are the subject of this lawsuit is barred by the Statute of Frauds.

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1 RESCAP DEFENDANTS answer each numbered paragraph of plaintiff's
2 Complaint as follows:

3 1. RESCAP DEFENDANTS deny the allegations of Paragraph 1.

4 2. RESCAP DEFENDANTS deny that Plaintiff is entitled to the relief sought, or
5 that it violated the Truth in Lending Act, Federal Reserve Board Regulation Z, the Real
6 Estate and Settlement Procedures Act, Federal Reserve Board Regulation X, Elder
7 Abuse and Dependent Adult Civil Protection Act, Cal Welf & Inst. Code §15610 and Cal.
8 Civ. Code §1632.

9 3. RESCAP DEFENDANTS admit that this Court has federal question
10 jurisdiction under 28 U.S.C. §1331 but denies that this Court's exercise of supplemental
11 jurisdiction over plaintiff's state law claims would be appropriate. RESCAP
12 DEFENDANTS deny any remaining allegations of paragraph 3.

13 4. RESCAP DEFENDANTS admit that this Court has federal question
14 jurisdiction.

15 5. RESCAP DEFENDANTS deny that they violated the Truth in Lending Act,
16 15 U.S.C. §1601 et. seq.

17 6. RESCAP DEFENDANTS admit that venue is proper.

18 7. RESCAP DEFENDANTS admit that assignment is proper.

19 8. RESCAP DEFENDANTS lack information and belief sufficient to admit or
20 deny the allegations of paragraph 8.

21 9. RESCAP DEFENDANTS lack information and belief sufficient to admit or
22 deny the allegations of paragraph 9.

23 10. RESCAP DEFENDANTS lack information and belief sufficient to admit or
24 deny the allegations of paragraph 10.

25 11. RESCAP DEFENDANTS lack information and belief sufficient to admit or
26 deny the allegations of paragraph 11.

27 12. RESCAP DEFENDANTS lack information and belief sufficient to admit or
28 deny the allegations of paragraph 12.

1 13. RESCAP DEFENDANTS lack information and belief sufficient to admit or
2 deny the allegations of paragraph 13.

3 14. RESCAP DEFENDANTS lack information and belief sufficient to admit or
4 deny the allegations of paragraph 14.

5 15. RESCAP DEFENDANTS lack information and belief sufficient to admit or
6 deny the allegations of paragraph 15.

7 16. RESCAP DEFENDANTS lack information and belief sufficient to admit or
8 deny the allegations of paragraph 16.

9 17. RESCAP DEFENDANTS lack information and belief sufficient to admit or
10 deny the allegations of paragraph 17.

11 18. RESCAP DEFENDANTS admit that Residential Mortgage Capital is a
12 California corporation doing business as First Security Loan and is a loan brokerage
13 service. RESCAP DEFENDANTS admit to Residential Mortgage Capital's business
14 address. RESCAP DEFENDANTS admit that Residential Mortgage Capital was and is
15 licensed by the California Department of Real Estate, and admit that CHAPMAN is the
16 designated officer and registered broker of Residential Mortgage Capital. RESCAP
17 DEFENDANTS admit that First Security Loan conducted mortgage brokerage services in
18 Santa Clara County. RESCAP DEFENDANTS admit that RESCAP was a "licensee" as
19 defined by Cal. Fin. Code §22007.

20 19. RESCAP DEFENDANTS admit that CHAPMAN is a natural person, and is
21 the CEO and registered broker of RESCAP. RESCAP DEFENDANTS admit that
22 CHAPMAN was and is licensed by the California Department of Real Estate, and was the
23 designated officer of RESCAP. RESCAP DEFENDANTS admit that CHAPMAN was a
24 "licensee" as defined by Cal. Fin. Code §22007.

25 20. RESCAP DEFENDANTS deny that Defendant Barrios was, at all times
26 alleged in the Complaint, an employee of RESCAP. RESCAP DEFENDANTS deny that
27 Defendant Barrios was, at all times alleged in the Complaint, an employee of CHAPMAN.
28 RESCAP DEFENDANTS lack information and belief sufficient to admit or deny the

1 remaining allegations of paragraph 20.

2 21. RESCAP DEFENDANTS deny that Defendant Campos was, at all times
3 alleged in the Complaint, an employee of CHAPMAN. RESCAP DEFENDANTS lack
4 information and belief sufficient to admit or deny the remaining allegations of paragraph
5 21.

6 22. RESCAP DEFENDANTS deny the allegations of Paragraph 22.

7 23. RESCAP DEFENDANTS deny the allegations of Paragraph 23.

8 24. RESCAP DEFENDANTS deny the allegations of Paragraph 24.

9 25. RESCAP DEFENDANTS deny the allegations of Paragraph 25.

10 26. RESCAP DEFENDANTS deny the allegations of Paragraph 26.

11 27. RESCAP DEFENDANTS deny the allegations of Paragraph 27.

12 28. RESCAP DEFENDANTS deny the allegations of Paragraph 28.

13 29. RESCAP DEFENDANTS deny the allegations of Paragraph 29.

14 30. RESCAP DEFENDANTS deny the allegations of Paragraph 30 to the extent
15 that they are intended to characterize the RESCAP DEFENDANTS' conduct.

16 31. RESCAP DEFENDANTS deny the allegations of Paragraph 31 to the extent
17 that they are intended to characterize the RESCAP DEFENDANTS' conduct.

18 32. RESCAP DEFENDANTS deny the allegations of Paragraph 32 to the extent
19 that they are intended to characterize the RESCAP DEFENDANTS' conduct.

20 33. RESCAP DEFENDANTS deny the allegations of Paragraph 33 to the extent
21 that they are intended to characterize the RESCAP DEFENDANTS' conduct.

22 34. RESCAP DEFENDANTS deny the allegations of Paragraph 34 to the extent
23 that they are intended to characterize the RESCAP DEFENDANTS' conduct.

24 35. RESCAP DEFENDANTS deny the allegations of Paragraph 35 to the extent
25 that they are intended to characterize the RESCAP DEFENDANTS' conduct.

26 36. RESCAP DEFENDANTS deny the allegations of Paragraph 36 to the extent
27 that they are intended to characterize the RESCAP DEFENDANTS' conduct.

28 37. RESCAP DEFENDANTS deny the allegations of Paragraph 37 to the extent

1 that they are intended to characterize the RESCAP DEFENDANTS' conduct.

2 38. RESCAP DEFENDANTS lack information and belief sufficient to admit or
3 deny the allegations of paragraph 38.

4 39. RESCAP DEFENDANTS lack information and belief sufficient to admit or
5 deny the allegations of paragraph 39.

6 40. RESCAP DEFENDANTS lack information and belief sufficient to admit or
7 deny the allegations of paragraph 40.

8 41. RESCAP DEFENDANTS lack information and belief sufficient to admit or
9 deny the allegations of paragraph 41.

10 42. RESCAP DEFENDANTS deny the allegations of paragraph 42.

11 43. RESCAP DEFENDANTS deny the allegations of paragraph 43.

12 44. RESCAP DEFENDANTS deny the allegations of paragraph 44.

13 45. RESCAP DEFENDANTS deny the allegations of paragraph 45.

14 46. RESCAP DEFENDANTS deny the allegations of paragraph 46.

15 47. RESCAP DEFENDANTS deny the allegations of paragraph 47.

16 48. RESCAP DEFENDANTS deny the allegations of paragraph 48.

17 49. RESCAP DEFENDANTS deny the allegations of paragraph 49.

18 50. RESCAP DEFENDANTS deny the allegations of paragraph 50.

19 51. RESCAP DEFENDANTS deny the allegations of paragraph 51.

20 52. RESCAP DEFENDANTS deny the allegations of paragraph 52.

21 53. RESCAP DEFENDANTS deny the allegations of paragraph 53.

22 54. RESCAP DEFENDANTS deny the allegations of paragraph 54.

23 55. RESCAP DEFENDANTS deny the allegations of paragraph 55.

24 56. RESCAP DEFENDANTS deny the allegations of paragraph 56.

25 57. RESCAP DEFENDANTS deny the allegations of paragraph 57.

26 58. RESCAP DEFENDANTS deny the allegations of paragraph 58.

27 59. RESCAP DEFENDANTS deny the allegations of paragraph 59.

28 60. RESCAP DEFENDANTS deny the allegations of paragraph 60.

61. RESCAP DEFENDANTS deny the allegations of paragraph 61.

62. RESCAP DEFENDANTS deny the allegations of paragraph 62.

63. RESCAP DEFENDANTS deny the allegations of paragraph 63.

64. RESCAP DEFENDANTS deny the allegations of paragraph 64.

65. RESCAP DEFENDANTS deny the allegations of paragraph 65.

66. RESCAP DEFENDANTS deny the allegations of paragraph 66.

67. RESCAP DEFENDANTS deny the allegations of paragraph 67.

68. RESCAP DEFENDANTS deny the allegations of paragraph 68.

69. RESCAP DEFENDANTS deny the allegations of paragraph 69.

70. RESCAP DEFENDANTS deny the allegations of paragraph 70.

71. RESCAP DEFENDANTS deny the allegations of paragraph 71.

72. RESCAP DEFENDANTS deny the allegations of paragraph 72.

73. RESCAP DEFENDANTS deny the allegations of paragraph 73.

74. RESCAP DEFENDANTS deny the allegations of paragraph 74.

75. RESCAP DEFENDANTS deny the allegations of paragraph 75.

76. RESCAP DEFENDANTS deny the allegations of paragraph 76.

77. RESCAP DEFENDANTS deny the allegations of paragraph 77.

78. RESCAP DEFENDANTS deny the allegations of paragraph 78.

79. RESCAP DEFENDANTS deny the allegations of paragraph 79.

80. RESCAP DEFENDANTS deny the allegations of paragraph 80.

81. RESCAP DEFENDANTS deny the allegations of paragraph 81.

82. RESCAP DEFENDANTS deny the allegations of paragraph 82.

83. RESCAP DEFENDANTS deny the allegations of paragraph 83.

84. RESCAP DEFENDANTS deny the allegations of paragraph 84.

85. RESCAP DEFENDANTS deny the allegations of paragraph 85.

86. RESCAP DEFENDANTS deny the allegations of paragraph 86.

87. RESCAP DEFENDANTS deny the allegations of paragraph 87.

88. RESCAP DEFENDANTS deny the allegations of paragraph 88.

- 1 89. RESCAP DEFENDANTS deny the allegations of paragraph 89.
- 2 90. RESCAP DEFENDANTS deny the allegations of paragraph 90.
- 3 91. RESCAP DEFENDANTS deny the allegations of paragraph 91.
- 4 92. RESCAP DEFENDANTS deny the allegations of paragraph 92.
- 5 93. RESCAP DEFENDANTS deny the allegations of paragraph 93.
- 6 94. RESCAP DEFENDANTS deny the allegations of paragraph 94.
- 7 95. RESCAP DEFENDANTS deny the allegations of paragraph 95.
- 8 96. RESCAP DEFENDANTS deny the allegations of paragraph 96.
- 9 97. RESCAP DEFENDANTS deny the allegations of paragraph 97.
- 10 98. RESCAP DEFENDANTS lack information and belief sufficient to admit or
11 deny the allegations of paragraph 98.
- 12 99. RESCAP DEFENDANTS lack information and belief sufficient to admit or
13 deny the allegations of paragraph 99.
- 14 100. RESCAP DEFENDANTS lack information and belief sufficient to admit or
15 deny the allegations of paragraph 100.
- 16 101. RESCAP DEFENDANTS lack information and belief sufficient to admit or
17 deny the allegations of paragraph 101.
- 18 102. RESCAP DEFENDANTS lack information and belief sufficient to admit or
19 deny the allegations of paragraph 102.
- 20 103. RESCAP DEFENDANTS lack information and belief sufficient to admit or
21 deny the allegations of paragraph 103.
- 22 104. RESCAP DEFENDANTS lack information and belief sufficient to admit or
23 deny the allegations of paragraph 104.
- 24 105. RESCAP DEFENDANTS lack information and belief sufficient to admit or
25 deny the allegations of paragraph 105.
- 26 106. RESCAP DEFENDANTS lack information and belief sufficient to admit or
27 deny the allegations of paragraph 106.
- 28 107. RESCAP DEFENDANTS lack information and belief sufficient to admit or

1 deny the allegations of paragraph 107.

2 108. RESCAP DEFENDANTS lack information and belief sufficient to admit or
3 deny the allegations of paragraph 108.

4 109. RESCAP DEFENDANTS lack information and belief sufficient to admit or
5 deny the allegations of paragraph 109.

6 110. RESCAP DEFENDANTS lack information and belief sufficient to admit or
7 deny the allegations of paragraph 110.

8 111. RESCAP DEFENDANTS lack information and belief sufficient to admit or
9 deny the allegations of paragraph 111.

10 112. RESCAP DEFENDANTS lack information and belief sufficient to admit or
11 deny the allegations of paragraph 112.

12 113. RESCAP DEFENDANTS lack information and belief sufficient to admit or
13 deny the allegations of paragraph 113.

14 114. RESCAP DEFENDANTS lack information and belief sufficient to admit or
15 deny the allegations of paragraph 114.

16 115. RESCAP DEFENDANTS lack information and belief sufficient to admit or
17 deny the allegations of paragraph 115.

18 116. RESCAP DEFENDANTS lack information and belief sufficient to admit or
19 deny the allegations of paragraph 116.

20 117. RESCAP DEFENDANTS lack information and belief sufficient to admit or
21 deny the allegations of paragraph 117.

22 118. RESCAP DEFENDANTS lack information and belief sufficient to admit or
23 deny the allegations of paragraph 118.

24 119. RESCAP DEFENDANTS lack information and belief sufficient to admit or
25 deny the allegations of paragraph 119.

26 120. RESCAP DEFENDANTS lack information and belief sufficient to admit or
27 deny the allegations of paragraph 120.

28 121. RESCAP DEFENDANTS lack information and belief sufficient to admit or

1 deny the allegations of paragraph 121.

2 122. RESCAP DEFENDANTS lack information and belief sufficient to admit or
3 deny the allegations of paragraph 122.

4 123. RESCAP DEFENDANTS lack information and belief sufficient to admit or
5 deny the allegations of paragraph 123.

6 124. RESCAP DEFENDANTS lack information and belief sufficient to admit or
7 deny the allegations of paragraph 124.

8 125. RESCAP DEFENDANTS lack information and belief sufficient to admit or
9 deny the allegations of paragraph 125.

10 126. RESCAP DEFENDANTS lack information and belief sufficient to admit or
11 deny the allegations of paragraph 126.

12 127. RESCAP DEFENDANTS lack information and belief sufficient to admit or
13 deny the allegations of paragraph 127.

14 128. RESCAP DEFENDANTS lack information and belief sufficient to admit or
15 deny the allegations of paragraph 128.

16 129. RESCAP DEFENDANTS lack information and belief sufficient to admit or
17 deny the allegations of paragraph 129.

18 130. RESCAP DEFENDANTS lack information and belief sufficient to admit or
19 deny the allegations of paragraph 130.

20 131. RESCAP DEFENDANTS lack information and belief sufficient to admit or
21 deny the allegations of paragraph 131.

22 132. RESCAP DEFENDANTS lack information and belief sufficient to admit or
23 deny the allegations of paragraph 132.

24 133. RESCAP DEFENDANTS lack information and belief sufficient to admit or
25 deny the allegations of paragraph 133.

26 134. RESCAP DEFENDANTS lack information and belief sufficient to admit or
27 deny the allegations of paragraph 134.

28 135. RESCAP DEFENDANTS lack information and belief sufficient to admit or

1 deny the allegations of paragraph 135.

2 136. RESCAP DEFENDANTS lack information and belief sufficient to admit or
3 deny the allegations of paragraph 136.

4 137. RESCAP DEFENDANTS lack information and belief sufficient to admit or
5 deny the allegations of paragraph 137.

6 138. RESCAP DEFENDANTS lack information and belief sufficient to admit or
7 deny the allegations of paragraph 138.

8 139. RESCAP DEFENDANTS lack information and belief sufficient to admit or
9 deny the allegations of paragraph 139.

10 140. RESCAP DEFENDANTS lack information and belief sufficient to admit or
11 deny the allegations of paragraph 140.

12 141. RESCAP DEFENDANTS lack information and belief sufficient to admit or
13 deny the allegations of paragraph 141.

14 142. RESCAP DEFENDANTS lack information and belief sufficient to admit or
15 deny the allegations of paragraph 142.

16 143. RESCAP DEFENDANTS lack information and belief sufficient to admit or
17 deny the allegations of paragraph 143.

18 144. RESCAP DEFENDANTS lack information and belief sufficient to admit or
19 deny the allegations of paragraph 144.

20 145. RESCAP DEFENDANTS lack information and belief sufficient to admit or
21 deny the allegations of paragraph 145.

22 146. RESCAP DEFENDANTS lack information and belief sufficient to admit or
23 deny the allegations of paragraph 146.

24 147. RESCAP DEFENDANTS lack information and belief sufficient to admit or
25 deny the allegations of paragraph 147.

26 148. RESCAP DEFENDANTS lack information and belief sufficient to admit or
27 deny the allegations of paragraph 148.

28 149. RESCAP DEFENDANTS lack information and belief sufficient to admit or

1 deny the allegations of paragraph 149.

2 150. RESCAP DEFENDANTS lack information and belief sufficient to admit or
3 deny the allegations of paragraph 150.

4 151. RESCAP DEFENDANTS lack information and belief sufficient to admit or
5 deny the allegations of paragraph 151.

6 152. RESCAP DEFENDANTS lack information and belief sufficient to admit or
7 deny the allegations of paragraph 152.

8 153. RESCAP DEFENDANTS lack information and belief sufficient to admit or
9 deny the allegations of paragraph 153.

10 154. RESCAP DEFENDANTS lack information and belief sufficient to admit or
11 deny the allegations of paragraph 154.

12 155. RESCAP DEFENDANTS lack information and belief sufficient to admit or
13 deny the allegations of paragraph 155.

14 156. RESCAP DEFENDANTS lack information and belief sufficient to admit or
15 deny the allegations of paragraph 156.

16 157. RESCAP DEFENDANTS lack information and belief sufficient to admit or
17 deny the allegations of paragraph 157.

18 158. RESCAP DEFENDANTS lack information and belief sufficient to admit or
19 deny the allegations of paragraph 158.

20 159. RESCAP DEFENDANTS lack information and belief sufficient to admit or
21 deny the allegations of paragraph 159.

22 160. RESCAP DEFENDANTS lack information and belief sufficient to admit or
23 deny the allegations of paragraph 160.

24 161. RESCAP DEFENDANTS lack information and belief sufficient to admit or
25 deny the allegations of paragraph 161.

26 **FIRST CLAIM FOR RELIEF**

27 162. RESCAP DEFENDANTS reallege and incorporate, as if set forth fully
28 verbatim herein, their responses to paragraphs 1 through 334.

1 163. RESCAP DEFENDANTS lack information and belief sufficient to admit or
2 deny the allegations of paragraph 163.

3 164. RESCAP DEFENDANTS lack information and belief sufficient to admit or
4 deny the allegations of paragraph 164.

5 165. RESCAP DEFENDANTS lack information and belief sufficient to admit or
6 deny the allegations of paragraph 165.

7 166. The cited statutes speak for themselves.

8 167. The cited statutes speak for themselves.

9 168. The cited statutes speak for themselves.

10 169. The cited statutes speak for themselves.

11 170. The cited statutes speak for themselves.

12 171. RESCAP DEFENDANTS deny the allegations of paragraph 171.

13 172. RESCAP DEFENDANTS deny the allegations of paragraph 172.

14 173. RESCAP DEFENDANTS deny the allegations of paragraph 173.

15 174. RESCAP DEFENDANTS deny the allegations of paragraph 174.

16 175. RESCAP DEFENDANTS deny the allegations of paragraph 175.

17 176. RESCAP DEFENDANTS deny the allegations of paragraph 176.

18 177. RESCAP DEFENDANTS deny the allegations of paragraph 177.

19 178. RESCAP DEFENDANTS deny the allegations of paragraph 178.

20 179. RESCAP DEFENDANTS deny the allegations of paragraph 179.

21 180. RESCAP DEFENDANTS deny the allegations of paragraph 180.

22 181. RESCAP DEFENDANTS deny the allegations of paragraph 181.

23 182. RESCAP DEFENDANTS deny the allegations of paragraph 182.

24 183. RESCAP DEFENDANTS deny the allegations of paragraph 183.

25 **THIRD CLAIM FOR RELIEF**

26 207. RESCAP DEFENDANTS reallege and incorporate, as if set forth fully
27 verbatim herein, their responses to paragraphs 1 through 334.

28 208. The cited statutes speak for themselves.

1 209. The cited statutes speak for themselves.

2 210. The cited statutes speak for themselves.

3 211. The cited statutes speak for themselves.

4 212. The cited document speaks for itself.

5 213. The cited document speaks for itself.

6 214. RESCAP DEFENDANTS deny the allegations of paragraph 214.

7 215. The cited document speaks for itself.

8 216. RESCAP DEFENDANTS deny the allegations of paragraph 216.

9 217. RESCAP DEFENDANTS deny the allegations of paragraph 217.

10 218. RESCAP DEFENDANTS deny the allegations of paragraph 218.

11 219. RESCAP DEFENDANTS deny the allegations of paragraph 219.

12 220. RESCAP DEFENDANTS deny the allegations of paragraph 220.

13 221. RESCAP DEFENDANTS deny the allegations of paragraph 221.

14 222. RESCAP DEFENDANTS deny the allegations of paragraph 222.

15 223. RESCAP DEFENDANTS deny the allegations of paragraph 223 to the
16 extent that RESCAP and CHAPMAN deny that CAMPOS was an employee and therefore
17 allegations concerning her conduct are not attributable to the RESCAP DEFENDANTS.

18 224. RESCAP DEFENDANTS deny the allegations of paragraph 224.

19 225. RESCAP DEFENDANTS deny the allegations of paragraph 225.

20 226. RESCAP DEFENDANTS deny the allegations of paragraph 226.

21 **FIFTH CLAIM FOR RELIEF**

22 247. RESCAP DEFENDANTS reallege and incorporate, as if set forth fully
23 verbatim herein, their responses to paragraphs 1 through 334.

24 248. RESCAP DEFENDANTS deny the allegations of paragraph 248.

25 249. RESCAP DEFENDANTS deny the allegations of paragraph 249.

26 250. RESCAP DEFENDANTS deny the allegations of paragraph 250.

27 251. RESCAP DEFENDANTS deny the allegations of paragraph 251.

28 252. RESCAP DEFENDANTS deny the allegations of paragraph 252.

253. RESCAP DEFENDANTS deny the allegations of paragraph 253.

254. RESCAP DEFENDANTS deny the allegations of paragraph 254.

255. RESCAP DEFENDANTS deny the allegations of paragraph 255.

256. RESCAP DEFENDANTS deny the allegations of paragraph 256.

257. RESCAP DEFENDANTS deny the allegations of paragraph 257.

SIXTH CLAIM FOR RELIEF

258. RESCAP DEFENDANTS reallege and incorporate, as if set forth fully verbatim herein, their responses to paragraphs 1 through 334.

259. RESCAP DEFENDANTS deny the allegations of paragraph 259.

260. RESCAP DEFENDANTS deny the allegations of paragraph 260.

261. RESCAP DEFENDANTS deny the allegations of paragraph 261.

262. RESCAP DEFENDANTS deny the allegations of paragraph 262.

263. RESCAP DEFENDANTS deny the allegations of paragraph 263.

264. RESCAP DEFENDANTS deny the allegations of paragraph 264.

265. RESCAP DEFENDANTS deny the allegations of paragraph 265.

266. RESCAP DEFENDANTS deny the allegations of paragraph 266.

267. RESCAP DEFENDANTS deny the allegations of paragraph 267.

268. RESCAP DEFENDANTS deny the allegations of paragraph 268.

269. RESCAP DEFENDANTS deny the allegations of paragraph 269.

270. RESCAP DEFENDANTS deny the allegations of paragraph 270.

271. RESCAP DEFENDANTS deny the allegations of paragraph 271.

SEVENTH CLAIM FOR RELIEF

272. RESCAP DEFENDANTS reallege and incorporate, as if set forth fully verbatim herein, their responses to paragraphs 1 through 334.

273. RESCAP DEFENDANTS deny the allegations of paragraph 273.

274. RESCAP DEFENDANTS deny the allegations of paragraph 274.

275. RESCAP DEFENDANTS deny the allegations of paragraph 275.

276. RESCAP DEFENDANTS deny the allegations of paragraph 276.

1 277. RESCAP DEFENDANTS deny the allegations of paragraph 277.

2 278. RESCAP DEFENDANTS deny the allegations of paragraph 278.

3 279. RESCAP DEFENDANTS deny the allegations of paragraph 279.

4 280. RESCAP DEFENDANTS deny the allegations of paragraph 280.

5 281. RESCAP DEFENDANTS deny the allegations of paragraph 281.

6 282. RESCAP DEFENDANTS deny the allegations of paragraph 282.

7 **EIGHTH CLAIM FOR RELIEF**

8 283. RESCAP DEFENDANTS reallege and incorporate, as if set forth fully
9 verbatim herein, their responses to paragraphs 1 through 334.

10 284. RESCAP DEFENDANTS deny the allegations of paragraph 284.

11 285. RESCAP DEFENDANTS deny the allegations of paragraph 285.

12 286. RESCAP DEFENDANTS deny the allegations of paragraph 286.

13 287. RESCAP DEFENDANTS deny the allegations of paragraph 287.

14 288. RESCAP DEFENDANTS deny the allegations of paragraph 288.

15 289. RESCAP DEFENDANTS deny the allegations of paragraph 289.

16 290. RESCAP DEFENDANTS deny the allegations of paragraph 291.

17 292. RESCAP DEFENDANTS deny the allegations of paragraph 292.

18 293. RESCAP DEFENDANTS deny the allegations of paragraph 293.

19 **NINTH CLAIM FOR RELIEF**

20 294. RESCAP DEFENDANTS reallege and incorporate, as if set forth fully
21 verbatim herein, their responses to paragraphs 1 through 334.

22 295. RESCAP DEFENDANTS deny the allegations of paragraph 295.

23 296. RESCAP DEFENDANTS deny the allegations of paragraph 296.

24 297. RESCAP DEFENDANTS deny the allegations of paragraph 297.

25 298. RESCAP DEFENDANTS deny the allegations of paragraph 298.

26 299. RESCAP DEFENDANTS deny the allegations of paragraph 299.

27 300. RESCAP DEFENDANTS deny the allegations of paragraph 300.

28 301. RESCAP DEFENDANTS deny the allegations of paragraph 301.

TENTH CLAIM FOR RELIEF

302. RESCAP DEFENDANTS reallege and incorporate, as if set forth fully verbatim herein, their responses to paragraphs 1 through 334.

303. RESCAP DEFENDANTS deny the allegations of paragraph 303.

304. RESCAP DEFENDANTS deny the allegations of paragraph 304.

305. RESCAP DEFENDANTS deny the allegations of paragraph 305.

306. RESCAP DEFENDANTS deny the allegations of paragraph 306.

307. RESCAP DEFENDANTS deny the allegations of paragraph 307.

308. RESCAP DEFENDANTS deny the allegations of paragraph 278.

ELEVENTH CLAIM FOR RELIEF

309. RESCAP DEFENDANTS reallege and incorporate, as if set forth fully verbatim herein, their responses to paragraphs 1 through 334.

310. RESCAP DEFENDANTS deny the allegations of paragraph 310.

311. RESCAP DEFENDANTS deny the allegations of paragraph 311.

312. RESCAP DEFENDANTS deny the allegations of paragraph 312.

313. RESCAP DEFENDANTS deny the allegations of paragraph 313.

314. RESCAP DEFENDANTS deny the allegations of paragraph 314.

315. RESCAP DEFENDANTS deny the allegations of paragraph 315.

316. RESCAP DEFENDANTS deny the allegations of paragraph 316.

317. RESCAP DEFENDANTS deny the allegations of paragraph 317.

318. RESCAP DEFENDANTS deny the allegations of paragraph 318.

319. RESCAP DEFENDANTS deny the allegations of paragraph 319.

320. RESCAP DEFENDANTS deny the allegations of paragraph 320.

TWELFTH CLAIM FOR RELIEF

321. RESCAP DEFENDANTS reallege and incorporate, as if set forth fully verbatim herein, their responses to paragraphs 1 through 334.

322. RESCAP DEFENDANTS deny the allegations of paragraph 322.

323. RESCAP DEFENDANTS deny the allegations of paragraph 323.

1 324. RESCAP DEFENDANTS deny the allegations of paragraph 324.

2 325. RESCAP DEFENDANTS deny the allegations of paragraph 325.

3 326. RESCAP DEFENDANTS deny the allegations of paragraph 326.

4 327. RESCAP DEFENDANTS deny the allegations of paragraph 327.

5 328. RESCAP DEFENDANTS deny the allegations of paragraph 328.

6 329. RESCAP DEFENDANTS deny the allegations of paragraph 329.

7 330. RESCAP DEFENDANTS deny the allegations of paragraph 330.

8 331. RESCAP DEFENDANTS deny the allegations of paragraph 331.

9 332. RESCAP DEFENDANTS deny the allegations of paragraph 332.

10 333. RESCAP DEFENDANTS deny the allegations of paragraph 333.

11 334. RESCAP DEFENDANTS deny the allegations of paragraph 334.

12 RESCAP DEFENDANTS deny all allegations of plaintiff's Complaint not herein
13 admitted, denied, or neither admitted nor denied for lack of knowledge or information
14 sufficient to form a belief as to the truth of the allegation.

15 **OBJECTIONS TO COMPLAINT**

16 RESCAP DEFENDANTS object to the Complaint on the following grounds:

17 1. RESCAP DEFENDANTS at no time breached any legal duty to Plaintiff;

18 2. RESCAP DEFENDANTS at no time made any loan to Plaintiff;

19 3. RESCAP DEFENDANTS at no time recommended that Plaintiff enter into
20 the "South Pacific" loan;

21 4. RESCAP DEFENDANTS received no fees or commissions in connection
22 with the "South Pacific" loan other than those that are standard and reasonable in the
23 industry;

24 5. RESCAP DEFENDANTS at no time possessed the authority or capacity to
25 rescind or cancel the "South Pacific" loan as Plaintiff claims to have requested.

26 WHEREFORE, RESCAP DEFENDANTS respectfully request that plaintiff's Complaint be
27 dismissed in its entirety; that all relief, whether or not prayed for in the
28 Complaint, that is or could be available be denied completely; that judgment be entered

1 in favor of RESCAP DEFENDANTS; that RESCAP DEFENDANTS be awarded their
2 attorneys' fees against plaintiff; that plaintiff be assessed all costs of this action; and that
3 RESCAP DEFENDANTS have such other and further relief as the Court deems just and
4 proper.

5 **CERTIFICATION**

6 Pursuant to Civil L.R. 3-16, the undersigned certifies that as of this date, other
7 than the named responding defendants, there are no other known interested parties.

8 Respectfully submitted this 19th day of May, 2008.

9
10 /s/

11 Sarah N. Léger, Esq.
California Bar No.: 226877

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